

State of Missouri Guidance for Identification Of Specific Learning Disability (SLD) September 2007

Definition

According to federal and state regulations, specific learning disability is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not apply to students who have learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disabilities, emotional or behavioral disorders or environmental, cultural or economic disadvantage.

This definition distinguishes a specific learning disability from a general learning deficit or from underachievement. The information gathered must show evidence of an unexpected problem in learning. Therefore, the term specific learning disability would exclude students whose overall limited cognitive ability results in pervasive learning problems, either due to mental retardation or a generally low cognitive ability. Generally low cognitive ability is defined as lower than approximately one standard deviation below the mean. Most students with SLD have at least average intelligence, although some students may score below the average range on tests of intelligence. Thorough documentation that the eligibility criteria has been met is required regardless of which of the two methods listed below is utilized to determine the student has a SLD.

Methods of Determination

The State of Missouri allows two methods for public agencies to use when determining whether or not a student has a SLD.

1. Responsiveness to a scientific, research-based intervention process. This is also known as response to intervention (RtI) or problem-solving.
2. A pattern of strengths and weaknesses. This is also known as the “discrepancy model.”

Both of these methods will be discussed in more detail later in this document and in Appendix A.

For either method, the evaluation process must draw upon information from a variety of assessment tools and strategies and may not rely on any single procedure for determining eligibility for special education and related services.

Examples of sources of information used during the evaluation process include formative and summative assessments, characteristics exhibited of a SLD, ongoing progress monitoring, aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student’s physical condition, social or cultural

background, and adaptive behavior. All of this information must be documented and carefully considered by the eligibility determination team.

Observations related to the area(s) of suspected disability completed in the regular education setting are a required component of a SLD evaluation. The team may determine if additional observation is needed or if appropriate observations conducted prior to beginning the evaluation can be utilized.

Districts must have written procedures regarding the process that will be used to determine a child eligible under the category of Specific Learning Disability (SLD). For example the district could:

- use scientific research-based intervention process for grades kindergarten through two and a discrepancy (pattern of strengths and weaknesses) model for grades three through twelve
- use a discrepancy (pattern of strengths and weaknesses) model until all the components for use of a scientific research-based process are implemented in the district
- use different models at different schools
- use only a scientific research-based process or a discrepancy (pattern of strengths and weaknesses) model in all cases

Regardless of which model is used, the group of individuals making the eligibility determination must show that the academic underachievement is not due to:

- A visual, hearing, or motor disability
- Mental retardation
- An emotional disturbance
- Cultural factors
- Environmental or Economic Disadvantage
- Limited English proficiency
- A lack of appropriate instruction in reading, including the five essential components of reading instruction as defined in section 1208 (3) of the ESEA.
- A lack of appropriate instruction in math

Also, regardless of which model is used, to ensure that underachievement in a child suspected of having a specific learning disability is not due to a lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation:

1. Data that demonstrate that prior to or as part of the referral process the child was provided appropriate instruction in regular education settings, delivered by qualified personnel, and
2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

The report must document the existence of any educationally relevant medical findings.

Further clarification on each individual model follows.

Response to Intervention (RtI)

Response to Intervention (RtI) can be viewed from two perspectives: a broad view and a narrow view.

Broad View-

The broad view looks at RtI as a general education process to provide appropriate instruction to all children with regular progress monitoring. The goal is to provide for the needs of all children in the most appropriate setting, with most children in the general education classroom.

Narrow View-

The narrow view looks at RtI as a process for identification of Specific Learning Disabilities. The IDEA Federal Regulations refer to RtI in the narrow view and this is what is covered in the Missouri State Regulations for Special Education.

The use of a scientific, research-based intervention process cannot be the sole method for determining eligibility for special education services and may need to be supported by additional evaluation measures when determining eligibility for special education services. An evaluation that follows state and federal regulations must be conducted prior to making an eligibility determination (see State Regulations, Regulation III under Evaluation Procedures and/or Federal Register, 300.301-300.306).

For the determination of eligibility under the category of Specific Learning Disability (SLD) the State of Missouri requires that public agencies using a scientific, research-based intervention process (RtI) to determine whether a child has a specific learning disability and is eligible for special education services must develop and maintain specific written procedures incorporating the SEA's policy guidelines for RtI. (See Appendix A: Policy Guidelines for RtI). The LEA's policy must be followed by all schools within the district.

If a decision is made to evaluate a student for a possible SLD, in the "Broad View" where RtI is used as a whole school intervention, the data collected during the process is part of the information utilized when making a decision regarding eligibility for a SLD. If RtI is used in the "Narrow View" only for SLD eligibility purposes, then the RtI data is gathered as part of the assessment process after the Review of Existing Data is completed and parent permission is received for the evaluation. In either case, the SEA's policy guidelines for RtI as established under Appendix A must be followed.

State and federal regulations require that when a child who has been determined eligible under the disability category of Specific Learning Disability and has participated in a Response to scientific, research-based intervention, that the parents must be notified about (1) the State's (and according to state regulations, the LEA's) policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided (2) strategies for increasing the child's rate of

learning, and (3) the parents' right to request an evaluation. This particular requirement would only apply when a district was using RtI as a whole-school process. According to the State Guidelines contained within this document, the district would provide this notification to parents when the decision was made to move a student from general classroom interventions (generally referred to as Tier I) to more targeted small group or individual interventions (generally referred to as Tier II). The provision of this notification does not necessarily mean that the district suspects at this time that the child has a disability. The provision of this notification must be documented in the evaluation report if the child is ultimately evaluated to determine if they are a child with a disability under the IDEA. In addition, as with any evaluation, at any point where agency personnel suspect that the child has a disability, the agency must provide the parent with a copy of the Procedural Safeguards Statement within 5 days of the referral for evaluation and provide a Notice of Intent to Evaluate and obtain written consent from the parent prior to an evaluation being conducted.

If the parent requests an evaluation during a Response to Intervention process, there are several options available based upon the data:

- If after receiving the parent's request for an evaluation, the agency determines that a disability is not suspected or that there is insufficient evidence to determine if a disability is suspected, and that no evaluation would need to be conducted at this time, the parent would be provided with the appropriate Notice of Action, and the RtI process would continue.
- If the agency's decision is that a disability is suspected and an evaluation is warranted, then a Review of Existing Data would be conducted and a Notice of Action provided to the parent requesting permission for the evaluation, if necessary. The RtI process could continue during the evaluation period. If the team feels that more than the 60 day timeline is needed to complete the evaluation process and ensure that sufficient intervention data is collected to make an appropriate decision, the agency and the parents may agree to extend the evaluation timeline. **This agreement must be in writing.**

Pattern of Strengths and Weaknesses Model

The pattern of strengths and weaknesses model is also known as the discrepancy model. Qualification criteria include:

- A severe discrepancy between achievement and intellectual ability of at least 1.5 standard deviations in the area(s) of disability
- Also, to ensure that a full and complete evaluation is conducted, additional information must be collected through observations, record reviews, interviews, etc. to support the presence of a specific learning disability in the academic area(s) considered. As with all eligibility determinations, multiple sources of information must be used in the decision-making process.
- Evidence must show that the student also exhibits academic strengths and that the learning problems are not due to overall limited cognitive ability or a pattern of consistently low academic scores in all areas as compared to ability level. In this

case, further evaluation may be needed to determine the source of the student's learning problem.

Note: The identification of behavioral characteristics in deficit areas of basic psychological processing is no longer required for eligibility determination purposes. However, behavioral characteristics of processing deficits related to a specific learning disability may be helpful to use as supporting evidence.

Professional Judgment:

Professional judgment is allowed for eligibility determination when using the discrepancy (pattern of strengths and weaknesses) model. However, this option should be used with discretion and with sufficient data to support the eligibility decision of the team. The following are some guidelines to use when identifying a student with a SLD using professional judgment:

1. The student must exhibit a discrepancy between achievement and intellectual ability that is close to the required 1.5 standard deviation criteria. If the student's academic skills are commensurate with his/her ability level or if the discrepancy is small, then this would suggest the student does not exhibit a learning disability that would qualify the student for special education services and/or that there are other possible reasons for the student's learning problem.
2. Specific data collected must support the characteristics of a learning disability. For example, information from district and state assessments, observed characteristics of that particular SLD from observations in the classroom and assessments, data from informal assessment activities, and data obtained from screenings would be appropriate sources of supporting information. The data used must support the standardized assessments conducted during the evaluation and must be documented in the written report. **A statement that the team is using professional judgment to make the determination is not sufficient evidence to support the decision. The data-based rationale for the conclusions must be clearly articulated.**
3. As stated above, the student must exhibit both academic strengths and weaknesses which are documented in the report.